* ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 91-132-SPH

* * * * * * * * * *

* BEFORE THE

Vista Development, Inc. Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an extension of the special exception previously granted by the Zoning Commissioner in Case No. 88-455-X on August 12, 1988 and by the Board of Appeals on November 23, 1988 in Case No. CBA 88-124 for a Class B office building for a period of five (5) years from the date of the Order issued by the Board of Appeals, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Harold H. Burns, Jr., President, appeared, testified and was represented by Thomas P. Dore, Esquire. Also appearing on behalf of the Petition was William P. Monk. Appearing as Protestants in the matter were Thomas W. Birdsall, June Moody, Earl and Kathleen James, and Linda Gibson.

Testimony indicated that the subject property, known as 6348 Frederick Road, consists of 62,210 sq.ft. split zoned R.O. and D.R. 5.5, and is the proposed site for a Class B office building as set forth in Petititioner's Exhibit 1. Said property was the subject of previous Case No. 88-455-X in which the Petitioner's predecessor in title, Caton Joint Venture, was granted a special exception for the proposed Class B office building on August 12, 1988, subject to restrictions. Caton Joint Venture secured approval of the use proposed with the affirmation by the County Board of Appeals of County Review Group approval of a plan identical to

Baltimore County Government
Zoning Commissioner

SE/S Frederick Road, 170' SW of Symington Avenue

1st Election District - 1st Councilmanic District

10 N. Symington Avenue, Baltimore, Md. 21228

122 N. Symington Avenue, Baltimore, Md. 21228

12 N. Symington Avenue, Baltimore, Md. 21228

122 N. Symington Avenue, Baltimore, Md. 21228

Vista Development, Inc. - Petitioners

Zoning Commissioner
Office of Planning and Zoning

December 6, 1990

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

J. ROBERT HAINES Zoning Commissioner

for Baltimore County

Robert Haines

above-captioned matter. The Petition for Special Hearing has been granted

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

it 1. Said property was also the subject matter of previous Case No. 90-282-SPHXA in which Petitioners were denied a special hearing, special exception and variances for an assisted living facility in lieu of the originally proposed Class B office building by Order issued July 3, 1990. The Petitioner offered testimony through its witnesses that the property in question and the community at large are the same as when the original decision by the Board regarding the Class B office building was issued on November 23, 1988. The Petitioner's expert witnesses all testified as to the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and indicated that the circumstances surrounding the relief granted remain the same.

the plan submitted in the instant matter, identified as Petitioner's Exhib-

The Protestants, who objected to the original relief granted for the Class B office building and were also opposed to the alternative plan for an elderly housing facility, argued strongly for a denial of the instant request for an extension of the special exception. In general, the Protestants object to the Class B office building proposed and its impact upon the community. However, they also object to the base R.O. zoning upon the subject property, which is located within their residential community. The Protestants do not want the matter extended beyond the time period for the comprehensive zoning map review by the Baltimore County Council in 1991 because they are planning to request the property be downsoned and believe they will be successful. Furthermore, the Protestants argued that there are other uses for the subject property, including residential development, which would be more advantageous to the community and would not create the negative impact that they perceive the R.O. Class B development will have on their community.

- 2-

PETITION FOR SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ grant an extension of the special exception for a Class B office building as approved by the Board of Appeals on November 23, 1988 (Case #88-455-X and CBA 88-124) for a period of five (5) years from said date pursuant to Section

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

City and State Attorney's Telephone No.: __528-0044__

100 W. Pennsylvania Avenue, Suite 305 Towson, Maryland 21204 494-8931

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ______ day of ______ Nov _ 19 90 at 9:30 o'clock

#80

91-132-5PH TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Property is to be posted and advertised as prescribed by Zoning Regulations.

ns of Battimore County adopted pursuant to the	MAP SWZE
	l/We do solemnly declare and affirm, under the penalties of perjury, that I/we F-Z are the legal owner(s) of the property which is the subject of this Petition.
ntract Purchaser:	Legal Owner(s): DAIE 12-2-91 B.F.
(Type or Print Name)	Vista Development, Inc. (Type or Print Name) Harold H. Barran J GD
Signature	Signature Harold H. Burns, Jr.
Address	(Type or Print Name)
City and State	Signature
Harold Burns, Jr. (Type or Print Name)	Address Phone No.
Signature J. Sucress J.	BASTMORE MARTIAND 21201 City and State
300 Cathedral Street, Suite 200 Address	Name, address and phone number of the contacted
Baltimore, Maryland 21201	William P. Monk, Inc.

5ept, 1990, that the subject matter of this petition be advertised, as

positions. However, the fact remains that the Class B office building set forth on Petitioner's Exhibit 1 has been approved by the County Review Group, the Zoning Commissioner and the Board of Appeals as being in compliance with the laws and regulations that govern the development of Class B office buildings on R.O. zoned land. In the opinion of the Zoning Commissioner, it is undisputed that the subject property and the community in which it lies, have not changed in any substantive manner which would alter the basis for granting the special exception as affirmed by the Board of Appeals opinion dated November 23, 1988. The Petitioners argued that they did not pursue the relief granted by the Board in view of their

pursuit of an alternative development plan for an elderly housing facility in Case No. 90-282-SPHXA. Further testimony indicated that the requested extension is necessary as the current economic climate is not conducive to constructing the proposed Class B office building. In the opinion of the Zoning Commissioner, there is no evidence that the plans for a Class B

Both parties provided compelling arguments for their respective

office building have been abandoned. The Protestants' argued that an extension of the special exception beyond the time frame for the comprehensive map review is unnecessary. The Protestants also argued strongly that the requested extension could be reviewed after the comprehensive zoning

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing, as hereinafter modi-

process to determine whether or not there have been any changes in circum-

stances that would void the special exception granted.

fied, were not granted. In the opinion of the Zoning Commissioner, an extension of time until February 1, 1992 is sufficient for Petitioner to

commence utilization of the special exception granted in Case No. 88-455-X. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested, as modified, will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing, as hereinafter modified, should

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of December, 1990 that the Petition for Special Hearing to approve an extention of the special exception granted by the Zoning Commissioner for a Class B office building in Case No. 88-455-X on August 12, 1988 and affirmed by the Board of Appeals in Case No. CBA 88-124 on November 23, 1988 for a Class B office building in accordance with Petitioner's Exhibit 1, for a period of five (5) years from the date of the Order issued by the Board, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the special exception granted by the Zoning Commissioner in Case No. 88-455-X as affirmed by the Board of Appeals in Case No. CBA 88-124 shall be extended until February 1, 1992; and, IT IS FURTHER ORDERED that all other conditions and restrictions

contained in the Order issued on August 12, 1988, and affirmed by the Board of Appeals' Order issued November 23, 1988, shall remain in full force and effect

Zoning Commissioner for Baltimore County

ENGINEERS P.O. BOX 6828, TOWSON, MARYLAND 21204

91-132-SPH December 16, 1987

Re: Paradise Professional Center

Point of beginnning being located South + 81° 50' 00" West ±170.00 feet from the point of intersection of the centerline of Frederice Road with the centerline of Symington Avenue thence in a clockwise direction:

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.

- 1) South 73° 52'00" West 201.34 feet
- 2) North 11° 18' 00" West 341.50 feet South 72° 18' 00" East 89.11 feet
- 4) South 46° 10'00" East 96.31 feet

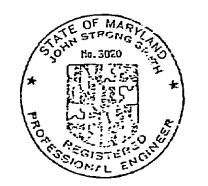
Description to Accompany Petition

For a Special Exception for a

Class 'B' Office Building

- 5) South 18° 25' 00" East 22.95 feet
- 6) South 32° 40' 00" East 120.56 feet and
- 7) South 16° 08' 00" East 120.83 feet to the place of beginning. (Containing 1.29 acres ofland more or less.)

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY



91-132-SPH CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townen, Meryland Date of Poeting October 22.1990 Vista Development, me. Location of property: S/E Frederick Road, 170 SW of Symington arence, 6348 Frederich Road Location of Signer Front of subject property at 6348 Frederick

osted by Signature				Date of return: 100 miles & 199					
fumber of Signs:	: <i>!</i>							·	
· ·									
,				,			\$25°		

Baltis, ore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

H9100080

040 -SPECIAL HEARING (OTHER) 1 X \$175.00 LAST NAME OF OWNER: VISTA DEVELOPMENT

04AO4HOO37MICHRC

Please make checks payable to: Baltimore CountyEXT BUSINESS DAY

8/27/90

FUBLIC HEARING FEES

BA C009:29AND8-27-90

111 West Chesapeake Avenue

Covahey & Boozer

Dear Mr. Dore:

614 Bosley Avenue

Thomas P. Dore, Esquire

Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING

(6348 Frederick Road)

Case No. 91-132-SPH

cc: Mr. & Mrs. Earl E. James

Mr. Thomas W. Birdsall

People's Counsel; File

Ms. Linda Gibson

in accordance with the attached Order.

Towson, MD 21204

887-3353

THE JEFFERSONIAN,

\$55.02

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204 M9100422 11/15/90 PUBLIC HEARING FEES

LAST NAME OF OWNER: VISTA DEVELOPMENT

080 -POSTING SIGNS / ADVERTISING 1 X

04AO4#OD5OMICHRE BA CO09#20AM11-15-90 Please make checks payable to: Baltimore County

19 jest

figilesen

91-132-5Pr.

\$80.02

ZONING COMMISSIONER

Please be advised that \$____ is due for advertising and posting of

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15)

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

Harold Burns, Jr., Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

October 1, 1990

Dennis F. Rasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the *County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

NOTICE OF HEARING

Petition for Special Hearing CASE NUMBER: 91-132-SPH S/E Frederick Road, 170' SW of Symington Avenue 6348 Frederick Road 1st Election District —1st Councilmanic Petitioner(s): Vista Development, Inc. HEARING: THURSDAY, NOVEMBER 15, 1990 at 9:30 a.m.

Special Hearing: Grant an extension of special exception for a Class B office building as approved by the Board of Appeals on November 23, 1988 (Case #88-455-X) for a period of five (5) years from said date.

> ZONING COMMISSIONER OF BALTIMORE COUNTY

cc: Vista Development, Inc. Harold Burns, Jr., Esq. William P. Monk, Inc.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 1301 - 557-3353 J. Robert Haines

October 30, 1990

Dennis F. Rasmussen

Harold Burns, Esquire

300 Cathedral Street, Suite 200 Baltimore, MD 21201

RE: Item No. 80, Case No. 91-132-SPH Petitioner: Vista Developement, et al Petition for Special Hearing

Dear Mr. Burns:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, ⁷ Chairman Zoning Plans Advisory Committee

Enclosures

cc: Mr. William Monk 100 W. Pennsylvania Avenue, Suite 305 Towson, MD 21204

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



Your petition has been received and accepted for filing this 19th day of September, 1990.

ZONING COMMISSIONER

Petitioner: Vista Development, Inc. Petitioner's Attorney: Harold Burns, Jr.



Baltimore County

(301) 887-3353

J. Robert Haines Zoning Commissioner

Zoning Commissioner

Office of Planning & Zoning

Towson, Maryland 21204

Vista Development, Inc.

Baltimore, Maryland 21201

300 Cathedral Street, Suite 200

Petition for Special Hearing CASE NUMBER: 91-132-SPH

6348 Frederick Road

the above captioned property.

not returned.

JRH:gs

S/E Frederick Road, 170' SW of Symington Avenue

HEARING: THURSDAY, NOVEMBER 15, 1990 at 9:30 a.m.

minutes before your hearing is scheduled to begin.

1st Election District -1st Councilmanic Petitioner(s): Vista Development, Inc.

> Maryland Department of Transportation State Highway Administration

Richard H. Trainor Hal Kassoff Administrator

Dennis F. Rasmussen County Executive

September 11, 1990

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Attn: Mr. James Dyer Re: Baltimore County Vista Development, Inc. Zoning Meeting of 9-18-90 N/S Frederick Road (MD 144) 170' West of Symington Avenue (Item #80)

Dear Mr. Haines:

We have reviewed the submittal for a special hearing to grant an extension of the special exception for a Class B office building, as approved by the Board of Appeals on November 23, 1989. We have no further comment provided there is no change to

If you have any questions, please contact Larry Brocato at (301) 333-1350.

> Very truly yours, La Contestable John Contestabile, Chief Engineering Access Permits Division

LB:maw ce: Mr. J. Ogle

2011 H. H. 11

My telephone number is (301) 333-1350 (Fax = 333-1041) Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toli Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

September 19, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen County Executive

RE: Property Owner: VISTA DEVELOPMENT, INC. Location: SE FREDERICK ROAD

Item No.: 80 Zoning Agenda: SEPTEMBER 18, 1990 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Aureau Special Inspection Division

JK/KEK

RECEIVED

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE September 13, 1990 J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES ZONING ITEM #: 80 PROPERTY OWNER: Vista Development, Inc. SUBJECT: LUCATIONSE Frederick Road, 170' SW of Symington Avenue ELECTION DISTRICT: 1st COUNCILMANIC DISTRICT: 1st A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING: () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED. () RAMPS (degree slope) () PARKING LOCATION () CURB CUTS NUMBER PARKING SPACES () SIGNAGE () BUILDING ACCESS () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED. () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS. () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE). () OTHER -PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900. THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88. 122 N Symingson Ave Casonsville 10 N Symington au.

THOMAS P. DORE

PALTINORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE TO: Zoning Advisory Committee DATE: September 14, 1990 FROM: Robert W. Bowling, P.E. Zoning Advisory Committee Meeting for September 18, 1990 The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 78, 80, 83, 84, 85, 86 and 87. Item 82 is subject to the previous County Review Group comments. From a point 195 feet northeast of Stonewall Road the panhandle to Lot 3 is a single panhandle and as per the Highway Comments, should be 20 feet wide in this area. The increase in panhandle width will impact the setbacks for Lots 1 and 2. We also recommend the disposition of the remaining parcel on Stonewall Road be noted as it will be below standard for DR-2. ROBERT W. BOWLING, F.E., Chief Developers Engineering Division RWB:s

HAROLD H. BURNS, JR. ATTORNEY AT LAW SUITE 200 300 CATHEDRAL STREET BALTIMORE, MARYLAND 21201 (301) 528-0044 FAX (301) 547-0698 MAUREEN F. MACKEY November 27, 1990 J. Robert Haines, Zoning Commissioner Office of Planning & Zoning County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204 Re: Case No. 91-132-SPH Vista Development, Inc., Petitioner Hearing: Thursday, November 15, 1990 Dear Commissioner Haines: On Thursday, November 15, 1990 at 9:30 A.M., Harold H. Burns, Jr., Esquire attended a zoning hearing in the above-referenced case. He would like to receive a cassette of the transcript of said hearing. Please notify this office at (301) 528-0044 when the requested tape or tapes is ready, and we will arrange to have a messenger pick them up. I understand that the charge for each tape is \$15.00, but that sometimes a transcript requires additional tapes. Therefore, we will forward a check to your office to cover the costs of obtaining the cassette transcript upon receipt of same. Thank you for your attention in this matter. cc: Ms. Rose Jackson

HAROLD H. BURNS, JR. ATTORNEY AT LAW SUITE 200 300 CATHEDRAL STREET BALTIMORE, MARYLAND 21201 (301) 528-0044 FAX (301) 547-0698

MAUREEN F. MACKEY

July 31, 1990

91-132-SPH

VIA HAND DELIVERY
J. Robert Haines, Zoning Commissioner Office of Planning & Zoning County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

> Re: Case No. 30 80 755 76
> Vista Development, Inc., Petitioner 6348 Frederick Road

Dear Commissioner Haines:

I enclose a Petition for Special Hearing regarding the above-referenced property as well as a check in the amount of \$125.00 for filing and posting. I expect that the property will be posted and a hearing scheduled regarding the Petition reasonably soon. If you anticipate any difficulty or delay, please inform me at your earliest convenience so that I might take whatever steps are necessary to alleviate the difficulty.

Thank you for your attention in this matter.

Very truly yours, Harold Borns, }

Harold H. Burns, Jr.

Enclosures

cc: Ms. Rose Jackson Mr. Patrick Turner Mr. William P. Monk

